

Comm 83 Code Package FAQ's

03/07/00

Q. What is the current status of the Comm 83 code package?

A. The code package "cleared" the legislative committee review process on Feb. 01, 2000. It was submitted to the "Revisor's" office for printing on Feb. 04, 2000. We anticipate an effective date of Jun. or Jul. 01, 2000.

Q. What happened to the lawsuit?

A. The threat of a lawsuit is still there and is very real. The Feb. 03, 2000 issue of the Milwaukee Journal/Sentinel quoted a spokesperson for those considering a lawsuit that if they decide to sue, they will do so in one or two months.

Q. What would be the basis for a lawsuit?

A. The department has not been formally advised regarding what the basis might be. It is assumed based on media reports that issues being considered include, land use concerns, the adequacy of the Environmental Impact Statement (EIS), the adequacy of the code as it relates to the Groundwater Law, and the legality of the code adoption process.

Q. How would the code be implemented?

A. The final code package includes a voluntary delay/limit option for "new construction" sites. Counties could by ordinance, delay/limit the use of certain technology up to Jan. 01, 2003.

Q. What happened to the voluntary 18 months delay/limit for certain technologies regardless of whether the site is considered "new" or "replacement"?

A. As a result of concerns raised by the legislative committees about providing property owners with more options to replace existing failing systems, the code was modified to allow use of the newer technologies without any delay/limit for replacement sites.

Q. What if a county claims that their inspection staff has not completed approved training that is specified for certain technologies, designs or methods delineated in Table 83.04-1 of the revised code?

A. If the appropriate training has not been obtained by inspection staff, generally a county would not be able to issue a Sanitary Permit for the specified technology, design or method. A county could issue a Sanitary Permit if it made formal

contractual arrangements with the department in advance for the department to provide inspection services.

Q. Are filters required in the new code?

A. Filters are not specifically mentioned in the new code. However, the code does set an effluent maximum particle size of 1/8". So a filter or some other device will most likely be needed to meet this requirement.

Q. How does the new code address maintenance of mechanical aerobic treatment units, sand filters and other POWTS components?

A. Each POWTS design approved after the effective date of the code will include a management/maintenance plan that specifies the type and frequency of maintenance needed. In addition, POWTS designs that require inspection, maintenance or servicing at an interval of 12 months or less will have to have a document recorded that describes the maintenance needed. This documentation will have to be recorded in the Register of Deeds office to alert future buyers/owners of the property of the maintenance requirement.

Q. Will the department provide samples of the maintenance/servicing forms?

A. No because each treatment component that needs routine maintenance/servicing may have unique requirements it is expected that this information will be obtained by the system designer from the manufacturer of the component. This information in the form of maintenance/servicing documents can then be submitted to the county prior to Sanitary Permit issuance. Each county will also have to determine whether the document will be accepted for recording by their Register of Deeds office.

Q. Are holding tanks still considered as "system of last resort" in the new code?

A. The new code does not include this provision. However, local governmental units may, by ordinance, ban or limit use of holding tanks. This includes including the "system of last resort" provision in a local ordinance.

Q. How do the provisions in s. Comm 85.30(2)(b) that address "A+4" sites affect the 6" minimum of suitable "in situ soil" listed in s. Comm 83.44(3)(b)1.?

A. The depth of an "A horizon" can affect the 6" minimum. If an "A horizon" is present and it is >2" thick, the minimum depth of suitable "in situ soil" will increase proportionately based on the thickness of the "A horizon". For example, if the "A horizon" is 5 inches thick and there must be 4 inches of unsaturated soil beneath the "A horizon" then there will be a minimum total of 9 inches of suitable "in situ soil".

Q. When you complete the various calculations to determine gallons per day per bedroom, doesn't it still come out to 150 gal/bdrm/d?

A. Yes, while the estimated flow per bedroom is 100 gal/bdrm/d, the code requires that the design flow be based on 150% of the estimated flow which is 150 gal/bdrm/d. However, the code allows other methods of calculation to determine flow rates such as use of water meter data, or per capita occupancy or usage. In that case the design flow would still be 150% of the estimated flow but the value may be different than the standard 150 gal/bdrm/d.

Q. Are "beds" eliminated in the new code?

A. The words "bed" and "trench" are not used so that artificial differences for criteria like maximum length or width for beds or trenches that cause confusion in the current code are eliminated. Each component manual has specifications for "POWTS Dispersal Components" that address design dimensions.